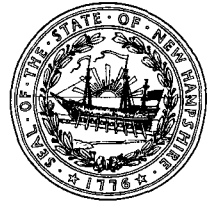




The State of New Hampshire  
**Department of Environmental Services**



**Michael P. Nolin**  
Commissioner

Conn. River Sportsmen's Club, Inc.  
125 Whitcomb Road  
East Swanzey, NH 03446

Re: Wetlands Bureau File # 2003-1568.

**ADMINISTRATIVE ORDER**  
**No. WD 06-008**

March 1, 2006

**A. INTRODUCTION**

This Administrative Order is issued by the Department of Environmental Services, Water Division to Conn. River Sportsmen's Club, Inc. pursuant to RSA 482-A:6. This Administrative Order is effective upon issuance.

**B. PARTIES**

1. The Department of Environmental Services, Water Division ("DES"), is a duly-constituted administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive, Concord, New Hampshire.
2. Conn. River Sportsmen's Club, Inc. ("Sportsmen's Club") is a New Hampshire non profit corporation having a mailing address of 125 Whitcomb Road, East Swanzey, NH 03446.

**C. STATEMENTS OF FACTS AND LAW**

1. Pursuant to RSA 482-A, the Department of Environmental Services regulates dredging, filling, and construction in or on any bank, flat, marsh, wetland, or swamp in and adjacent to any waters of the state. Pursuant to RSA 482-A:11, I, the Commissioner of DES has adopted Wt 100 *et seq.* to implement this program.
2. RSA 482-A:3, I states that "no person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp in and adjacent to any waters of the state without permit from [DES]."
3. RSA 482-A:14, III provides that "(f)ailure, neglect or refusal to comply with [RSA 482-A] or rules adopted under [that] chapter, or an order or condition of a permit issued under [RSA 482-A], and the misrepresentation by any person of a material fact made in connection with any activities regulated or prohibited by [RSA 482-A] shall be deemed violations of RSA 482-A."
4. Conn. River Sportsmen's Club, Inc. is the owner of land located at 125 Whitcomb Road in Swanzey, more particularly described on the Swanzey Tax Map 22 as Lot 1-1 ("the Property").
5. On July 21, 2003, DES received a complaint that the Sportsmen's Club had filled in a pond and jurisdictional wetlands on the Property.

6. By letter, dated July 22, 2003, DES notified the Sportsmen's Club, of the complaint and requested that the Sportsmen's Club respond in writing within 20 days.
7. On August 6, 2003, DES received correspondence from the Sportsmen's Club stating that a pond had been filled in approximately 10 years ago and there were no wetlands on the Property.
8. On April 22, 2004, DES personnel conducted a site inspection of the Property and observed a suspected area of dredge and fill in wetlands measuring approximately 200' x 200' (40,000 sq. ft) including the previously existing pond, a stream channel which previously ran through the disturbed wetland area had been rerouted into a constructed ditch that extended around the filled area, an additional 360 sq. ft. of wetland was filled and a culvert installed to cross the re-routed stream channel, and numerous clay pigeons and shotgun wads were observed within the dredged stream and wetlands. This also suggested that the dredged stream and wetland may be contaminated with lead shot.
9. By letter dated July 15, 2004, DES notified the Sportsmen's Club that in response to a complaint, a site inspection had been conducted on April 22, 2004 and impacts to surface water and jurisdictional wetlands were documented. The letter requested that the Sportsmen's Club contact the Division within 20 days to arrange a site inspection with the Division and a New Hampshire Certified Wetland Scientist.
10. On August 4, 2004, DES personnel were contacted by phone by John Fletcher, the president of the Sportsmen's Club. Mr. Fletcher stated that he wanted to bring the Sportsmen's Club into compliance. DES personnel indicated that coordination with the DES Hazardous Waste Bureau would be necessary due to potential lead contamination of the site. Mr. Fletcher stated that he would hire a Certified Wetland Scientist and contact DES within 20 days to schedule a meeting.
11. On December 2, 2004, DES personnel conducted a second site inspection. Additional construction debris and gravel fill was observed to have been graded into the jurisdictional wetland. No visible site stabilization work had been conducted on the Property.
12. By letter dated December 23, 2004, DES requested that the Sportsmen's Club cease further activities on the Property within jurisdictional wetlands and surface waters and obtain a Certified Wetland Scientist to prepare a site stabilization and wetland restoration plan. DES also requested that the Sportsmen's Club co-ordinate with DES Hazardous Waste Remediation Bureau due to the identified lead contamination on the Property.
13. To date, DES has not received a response from the Sportsmen's Club relative to violations of RSA 482-A.

#### **D. DETERMINATION OF VIOLATIONS**

1. Conn. River Sportsmen's Club, Inc. has violated RSA 482-A:3, I by dredging and filling approximately 40,000 square feet of jurisdictional wetland without a permit from DES.

2. Conn. River Sportsmen's Club, Inc. has violated RSA 482-A:3, I by dredging and filling a minimum of 360 square feet of wetland for a road crossing without a permit from DES.
3. Conn. River Sportsmen's Club, Inc. has violated RSA 482-A:3, I by dredging and filling a minimum of 20 linear feet of stream channel for a road crossing without a permit from DES.

#### **E. ORDER**

Based on the above findings, DES hereby orders Conn. River Sportsmen's Club, Inc. as follows:

1. **Immediately** hire a New Hampshire Certified Wetland Scientist to conduct a wetland delineation according to the 1987 USACOE Wetland Delineation Manual "Section F."
2. **By June 30, 2006**, submit a wetland delineation plan prepared by a New Hampshire Certified Wetland Scientist according to the 1987 USACOE Wetland Delineation Manual "Section F" to DES. The Certified Wetland Scientist shall coordinate with DES prior to conducting any field work to insure that proposed wetland field investigation protocol has been reviewed and approved by the DES Hazardous Waste Remediation Bureau.
3. **By July 30, 2006**, submit a wetland restoration plan and site stabilization plan to the Division for review and approval. The wetland restoration and site stabilization plan must be prepared by a New Hampshire certified wetland scientist, and include provisions for restoration of the wetland and surface waters impacted by activities at the Property. The following shall be submitted with the restoration plan:
  - a. A plan with dimensions, drawn to scale, showing:
    - i. existing conditions and jurisdictional impacts on the sites, with delineated jurisdictional wetland boundaries, and land topography; and
    - ii. proposed conditions after reestablishing the jurisdictional areas;
  - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc.) and stabilization of the restoration area;
  - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration areas;
  - d. A description of the proposed construction sequence, equipment, methods for accomplishing restoration and anticipated restoration compliance date.
  - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum, an initial monitoring report documenting that restoration has been completed and monitoring progress reports for two successive growing seasons following completion of the restoration project. These reports shall be submitted to DES on **October 30, 2007, October 30, 2008 and October 30, 2009**, respectively.

- f. The wetland restoration plan shall be reviewed and approved by DES Hazardous Waste and Remediation Bureau to address the lead contamination on the Property as it relates to the wetlands restoration areas.
4. Implement the wetland restoration and site stabilization plan only after approval and as conditioned by DES but no later than **August 30, 2006**.
5. Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

Dawn Buker, Wetlands Bureau  
DES Water Division  
P.O. Box 95  
Concord, NH 03302-0095  
Fax: (603) 271-6588  
e-mail: dbuker@des.state.nh.us

#### F. APPEAL


Any person aggrieved by this Order may request that DES reconsider the Order within 20 days of the date of the Order. The request for reconsideration must comply with Wt 203.01(d) (copy attached), and will be processed in accordance with Wt 203.01(e)-(j). Any party not satisfied with the decision on reconsideration may appeal to the Wetlands Council. Please note under RSA 482-A:10, II, the Council may not consider any ground that is not set forth in the request for reconsideration.

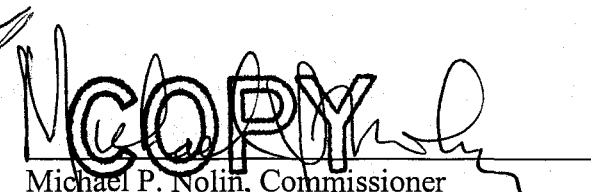
Filing an appeal or motion for reconsideration does not relieve the Conn. River Sportsmen's Club, Inc., of the obligation to comply with the Order.

#### G. OTHER PROVISIONS

Please note that RSA 482-A:13 and RSA 482-A:14 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. DES will continue to monitor the Conn. River Sportsmen's Club, Inc. compliance with applicable requirements and will take appropriate action if additional violations are discovered.

This Order is being recorded in the Cheshire County Registry of Deeds so as to run with the land.

  
Harry T. Stewart, Director  
Water Division

  
Michael P. Nolin, Commissioner  
Department of Environmental Services

Certified Mail/RRR: 7004 0750 0001 2419 3032

cc: Swanzey Board of Selectmen  
Swanzey Conservation Commission  
Gretchen Hamel, Legal Unit Administrator  
ec: Jennifer Patterson, Sr. Asst. Attorney General, NHDOJ/EPB  
Public Information Officer, DES PIP Office  
Karlee Kenison, DES Hazardous Waste Remediation Bureau  
Dawn Buker, DES Wetlands Bureau

---